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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/709,619

05/18/2004

Scott Roby

141902

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23413 7590 01/15/2008
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EXAMINER

RAYMOND, EDWARD

ART UNIT

PAPER NUMBER

2857

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

13

Office Action Summary	Application No. 10/709,619	Applicant(s) ROBY ET AL.	
	Examiner /Edward Raymond/	Art Unit 2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-14 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 8, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20040518</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-7, 9-14 and 17-20** are rejected under 35 U.S.C. 102(b) as being anticipated by Muhlenberg et al.

Muhlenberg et al. teach a method for obtaining data in a computer system (Claims 1, 9, 10, 17, 18 and 19: see col. 4, lines 13-19 and Figures 1A, 1B and 2), comprising: receiving a first plurality of data sample values based on a first signal generated by a first sensor from a first predetermined time to a second predetermined time (Claims 1, 9, 10, 17, 18 and 19: see Figures 2 and 6C); receiving a second plurality of data sample values based on a second signal generated by a second sensor from a third predetermined time to a fourth predetermined time (Claims 1, 9, 10, 17, 18 and 19: see Figures 2 and 6C); and storing both the first plurality of data sample values and the second plurality of data sample values in a first memory when a time difference between the first predetermined time and the third predetermined time is less than a predetermined time threshold value (Claims 1, 9, 10, 17, 18 and 19: see Figures 1B and 6 and col. 7, lines 39-62: The Examiner notes that the sample is skipped if the value is greater than the threshold).

Muhlenberg et al. teach a method further comprising displaying both the first plurality of data sample values and the second plurality of data sample values on a computer monitor associated with a first computer when the time difference between the first predetermined time and the third predetermined time is less than the predetermined time threshold value (Claims 2, 6, 11 and 20: see Figure 2: Display 49).

Muhlenberg et al. teach a method further comprising inputting first and second identifier values associated with the first and second sensors, respectively, using a first computer (Claim 3: see col. 6, lines 34-51).

Muhlenberg et al. teach a method further comprising inputting the predetermined time threshold value using a first computer (Claim 4: see Figure 1B: Microprocessor 34).

Muhlenberg et al. teach a method further comprising: sending a data request message from a first computer to a second computer to retrieve the first plurality of data sample values previously stored in the second computer (Claims 5, 12 and 13: see Figure 6A); and, in response to the data request message, sending the first plurality of data sample values from the second computer to the first computer (Claims 5, 12 and 13: see Figure 6A).

Muhlenberg et al. teach a method further comprising: assigning a first time stamp value to the first plurality of data sample values, the first time stamp value corresponding to the first predetermined time; and, assigning a second time stamp value to the second plurality of data sample values, the second time stamp value corresponding to the second predetermined time (Claims 7 and 14: see col. 6, lines 34-51: The Examiner notes that the record marker is the timestamp).

Allowable Subject Matter

3. **Claims 8, 15, and 16** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Edward Raymond/ whose telephone number is 571-272-2221. The examiner can normally be reached on M-F 8:30-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eliseo Ramos-Feliciano can be reached on 571-272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

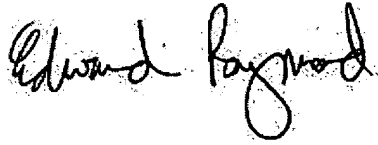
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Art Unit: 2857

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/Edward Raymond/
Primary Examiner
Art Unit 2857

Er

EDWARD RAYMOND
PRIMARY EXAMINER

A handwritten signature in cursive script that reads "Edward Raymond". The signature is written in black ink and is positioned to the right of the printed name and title.